

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION

This document pertains to:

City of New York v. Hess Corp., et al.,
Case No. 04-CIV-3417

Master File No. 1:00-1898
MDL 1358 (SAS), M21-88

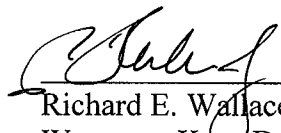
**DECLARATION OF RICHARD
WALLACE WITH EXHIBITS IN
SUPPORT OF DEFENDANTS'
MOTION TO BAR PUNITIVE
DAMAGES BASED ON THE
MARKET SHARE AND
COMMINGLED PRODUCT
THEORIES**

Richard E. Wallace, Jr., an attorney duly admitted to appear in this case, hereby declares under penalty of perjury:

1. I am an attorney with the law firm of Wallace King Domike & Reiskin, PLLC, counsel for Defendants Equilon Enterprises LLC, Motiva Enterprises LLC, Shell Oil Company, Shell Oil Products Company LLC d/b/a Shell Oil Products Company, Shell Petroleum, Inc., Shell Trading (US) Company, TMR Company f/k/a Texaco Refining and Marketing Inc., Texaco Refining and Marketing (East) Inc., Texaco Inc., Chevron Environmental Corp. and Chevron U.S.A. Inc. in the above-captioned matter. I submit this Declaration in support of Defendants' Motion To Bar Punitive Damages Based on the Market Share and Commingled Product Theories (hereinafter "Motion"). This Declaration authenticates the exhibits attached hereto and relied on in support of the Motion. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around March 19, 2009.

- A. Attached as Exhibit A are true and correct copies of selected pages from *Plaintiffs' Objections and Responses to Defendants' Joint Interrogatories Concerning Market Share Claims in New York Focus Cases* (Oct. 25, 2006).
- B. Attached as Exhibit B are true and correct copies of selected pages from *City of New York's Revised Supplemental Responses and Objections to Defendants' First Joint Interrogatory Nos. 1-7, 9, 12-13* (June 10, 2008).
- C. Attached as Exhibit C are true and correct copies of selected pages from *Plaintiff City of New York's Responses and Objections to Defendants' Contention Interrogatories and Document Requests on Causation, Theories of Liability and Apportionment of Damages* (Dec. 19, 2008).
- D. Attached as Exhibit D are true and correct copies of selected pages from *Plaintiff City of New York's Responses and Objections to Certain Defendants' First Set of Interrogatories and Document Requests Regarding Punitive Damages* (Dec. 19, 2008).

On this 20th day of March 2009, I hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.



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